

**GORDON H. DePAOLI**  
Nevada State Bar No. 195  
**DALE E. FERGUSON**  
Nevada State Bar No.4986  
**WOODBURN AND WEDGE**  
6100 Neil Road, Suite 500  
Reno, Nevada 89511  
Telephone: 775 / 688-3000

Attorneys for WALKER RIVER IRRIGATION DISTRICT

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

WALKER RIVER PAIUTE TRIBE,

Plaintiff-Intervenor,

V.

WALKER RIVER IRRIGATION DISTRICT,  
a corporation, et al.,

Defendants.

UNITED STATES OF AMERICA,  
WALKER RIVER PAIUTE TRIBE,

Counterclaimants,

v.

WALKER RIVER IRRIGATION DISTRICT,  
et al.,

Counterdefendants.

By Order dated March 8, 2010, the Court established procedures and a schedule for parties to file comment on the Fifteenth Service Report (the "Service Report") of the United States. The Walker River Irrigation District (the "District") provides the following comment.

1 In many instances, the Service Report seeks to substitute new parties to the action based  
2 upon a transfer of ownership of the water right at issue. For example, at paragraphs 49 and 50  
3 of the Service Report, the United States requests that Michael L. and Nancy Bradley be  
4 substituted as successors in interest to Glenn D. and Tracy L. Fannin. It appears that Michael  
5 L. and Nancy Bradley are "new" parties to the action that have not been previously served  
6 pursuant to Rule 4 of the Federal Rules of Civil Procedure.  
7

8 Rule 25(c) of the Federal Rules of Civil Procedure allows for the substitution of the  
9 transferee into the action, upon motion, when an interest in the litigation is transferred. The  
10 motion for substitution must be served upon nonparties to the litigation pursuant to Rule 4. *See*  
11 *Federal Rules of Civil Procedure 25(c) and 25(a)(3).*

12 In most instances, the Service Report does not indicate if parties that the United States  
13 seeks to substitute into the action have been served pursuant to Rule 4. The District is  
14 concerned that the Court may lack personal jurisdiction over those new parties sought to be  
15 substituted absent service pursuant to Rule 4 as required by Rule 25 of the Federal Rules of  
16 Civil Procedure.  
17

18 DATED this 9<sup>th</sup> day of April, 2010.

19 WOODBURN AND WEDGE

20  
21 By: Dale E. Ferguson  
22 Dale E. Ferguson  
23 6100 Neil Road, Suite 500  
24 Reno, Nevada 89511  
25 Attorneys for WALKER RIVER IRRIGATION  
26 DISTRICT  
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28

**CERTIFICATE OF SERVICE**

I certify that I am an employee of Woodburn and Wedge and that on the 9th day of April, 2010, I electronically served the foregoing *Walker River Irrigation District's Comments Concerning Fifteenth Service Report* with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to the following via their email addresses:

Linda Ackley  
lackley@water.ca.gov

Marta Adams  
maadams@ag.state.nv.us, payoung@ag.state.nv.us

Greg Addington  
greg.addington@usdoj.gov, judy.farmer@usdoj.gov, joanie.silvershield@usdoj.gov

George Benesch  
gbenesch@sbcglobal.net

Karen Peterson  
kpeterson@allisonmackenzie.com, jjonas@allisonmackenzie.com

Simeon Herskovits  
simeon@communityandenvironment.net

John W. Howard  
johnh@jwhowardattorneys.com, elisam@jwhowardattorneys.com

Michael D. Hoy  
Michael D Hoy mhoy@nevadalaw.com

Erin K.L. Mahaney  
emahaney@waterboards.ca.gov

David L. Negri  
david.negri@usdoj.gov

Michael W. Neville  
michael.neville@doj.ca.gov, wallace.greene@doj.ca.gov

Susan Schneider  
susan.schneider@usdoj.gov

Laura Schroeder  
counsel@water-law.com

Stacey Simon

1 ssimon@mono.ca.gov

2 Wes Williams  
3 wwilliams@standfordalumni.org

4 and I further certify that I served a copy of the foregoing to the following by U.S. Mail, postage  
5 prepaid, this 9<sup>th</sup> day of April, 2010:

6 Kenneth Spooner  
7 General Manager  
8 Walker River Irrigation District  
9 P.O. Box 820  
10 Yerington, NV 89447

William W. Quinn  
Office of the Field Solicitor  
Department of the Interior  
401 W. Washington St., SPC 44  
Phoenix, AZ 85003

11 Mary Hackenbracht  
12 Deputy Attorney General  
13 State of California  
14 1515 Clay St., 20<sup>th</sup> Floor  
15 Oakland, CA 94612-1413

Tracy Taylor  
Division of Water Resources  
State of Nevada  
901 S. Stewart St.  
Carson City, NV 89701

16 Garry Stone  
17 United States District Court Water Master  
18 290 S. Arlington Ave., 3rd Floor  
19 Reno, NV 89501

Allen Biaggi  
Dir. of Conservation & Natural Resources  
State of Nevada  
901 S. Stewart St.  
Carson City, NV 89701

20 John Kramer  
21 Dept. of Water Resources  
22 1416 Ninth St.  
23 Sacramento, CA 95814

Wesley G. Beverlin  
Malissa Hathaway McKeith  
Lewis, Brisbois, Bisgaard & Smith LCP  
221 N. Figueroa St., Suite 1200  
Los Angeles, CA 90012

24 James Shaw  
25 Water Master  
26 U.S. Board of Water Commissioners  
27 P.O. Box 853  
28 Yerington, NV 89447

Robert L. Auer  
Lyon County District Attorney  
31 S. Main St.  
Yerington, NV 89447

29 Tim Glidden  
30 U. S. Dept. of the Interior, Office of the  
31 Secretary, Div. Of Indian Affairs  
32 1849 C St. N.W.  
33 Mail Stop 6456  
34 Washington, D.C. 20240

Cheri Emm-Smith  
Mineral County District Attorney  
P. O. Box 1210  
Hawthorne, NV 89415

35 Marshall S. Rudolph, Mono County Counsel  
36 Stacy Simon, Deputy County Counsel

William E. Schaeffer  
P. O. Box 936

1 Mono County  
2 P. O. Box 2415  
3 Mammoth Lakes, CA 93546-2415

Battle Mountain, NV 89820

4 Todd Plimpton  
5 Belanger & Plimpton  
6 1135 Central Ave.  
7 P.O. Box 59  
8 Lovelock, NV 89419

Nathan Goedde, Staff Counsel  
California Dept. of Fish and Game  
1416 Ninth St., #1335  
Sacramento, CA 95814

9 Jeff Parker  
10 Deputy Atty. General  
11 Office of the Attorney General  
12 100 N. Carson St.  
13 Carson City, NV 89701-4717

Timothy A. Lukas  
P.O. Box 3237  
Reno, NV 89505

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